

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DIANE SIMKINS, a deceased person appearing  
through her personal representative, Kristi  
Simkins; KRISTI SIMKINS and PATRIC  
ROGERS; and CHRISTER PERSSON,

Plaintiffs,

v.

NEW YORK LIFE INSURANCE COMPANY  
et al.,

Defendant.

No. 2:23-cv-00578-JNW

**STIPULATION AND ORDER TO  
EXTEND DEADLINE TO FILE  
MOTIONS CHALLENGING EXPERT  
WITNESS TESTIMONY**

The Parties respectfully stipulate and jointly move the Court for an Order extending the deadline to file motions challenging expert witness testimony. It is currently set for August 12, 2024. The Parties respectfully request a forty-five (45) day extension, to September 26, 2024, for the reasons stated below.

**I. RECITALS**

**WHEREAS**, the parties are continuing to depose experts from around the country at mutually-scheduled times and locations; and

**WHEREAS**, summary judgment remains pending, which may alter or narrow the anticipated scope of issues; and

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**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3400  
Seattle, WA 98101-3268  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

**WHEREAS**, the parties wish to develop a complete record as they prepare expert-related motions; and

**WHEREAS**, being forced to bring expert-related motions before completion of their depositions and a ruling on summary judgment could lead to costly litigation of unnecessary issues and arguments directed at misunderstandings that could have been dispelled through testimony; and

**WHEREAS**, the parties believe that an extension of the current deadline by forty-five (45) day, to September 26, 2024, is likely to ameliorate these potential problems and avoid needless burdens on the parties and Court.

## II. STIPULATION

Based on the above recitals, the parties stipulate and agree that there is good cause to modify the case scheduling order; specifically, by extending the deadline to file motions challenging expert testimony by 45 days, to September 26, 2024.

**SO STIPULATED** this 9<sup>th</sup> day of August 2024.

KELLER ROHRBACK, L.L.P.

LANE POWELL, PC

By: s/ Adam Rosenberg

Adam Rosenberg, WSBA #39256  
Keller Rohrbach, LLP  
1201 3<sup>rd</sup> Ave, Suite 3400  
Seattle, WA 98101  
Telephone: (206) 428-0615  
[arosenberg@kellerrohrbach.com](mailto:arosenberg@kellerrohrbach.com)

William C. Smart, WSBA #8192  
Isaac Ruiz, WSBA #35237  
Ruiz & Smart LLP  
1200 Fifth Avenue, Suite 1220  
Seattle, WA 98101  
Telephone: (206) 203-9011  
[wsmart@ruizandsmart.com](mailto:wsmart@ruizandsmart.com)  
[iruiz@ruizandsmart.com](mailto:iruiz@ruizandsmart.com)

***Attorneys for Plaintiffs***

By: s/ Diane Babbitt

Diane C. Babbitt, WSBA #17856  
Tim Wackerbarth, WSBA #13673  
Andrew G. Yates, WSBA #34239  
Matthew A. Stoloff, WSBA #54299  
1420 Fifth Avenue, Suite 4200  
P.O. Box 91302

Seattle, Washington 98111-9402  
Telephone: (206) 223-7000  
[wackerbarth@lanepowell.com](mailto:wackerbarth@lanepowell.com)  
[yatesa@lanepowell.com](mailto:yatesa@lanepowell.com)  
***Attorneys for Defendant New York  
Life Insurance Company***

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Seattle, WA 98101-3268  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

HOLLAND & HART, LLP

By: s/ Melissa K. Reagan  
Melissa Reagan (*Pro Hac Vice*)  
Holland & Hart, LLP  
555 17<sup>th</sup> Street, Unit 2300  
Denver, CO 80202  
[MKReagan@hollandandhart.com](mailto:MKReagan@hollandandhart.com)  
*Attorneys for Defendant illumifin*

### III. ORDER

**THIS MATTER** having come before the Court upon the stipulation of the Parties and the Court having considered the stipulated motion and finding good cause, hereby extends the deadline to file motions challenging expert witness testimony to September 26, 2024.

**DATED** this 14th day of August, 2024.



Jamal N. Whitehead  
United States District Judge

#### PREPARED AND PRESENTED BY:

KELLER ROHRBACK, L.L.P.

LANE POWELL, PC

By: s/ Adam Rosenberg  
Adam Rosenberg, WSBA #39256  
Keller Rohrbach, LLP

By: s/ Diane Babbitt  
Diane C. Babbitt, WSBA #17856  
Tim Wackerbarth, WSBA #13673

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FACSIMILE: (206) 623-3384

1 1201 3<sup>rd</sup> Ave, Suite 3400  
2 Seattle, WA 98101  
3 Telephone: (206) 428-0615  
4 [arosenberg@kellerrohrback.com](mailto:arosenberg@kellerrohrback.com)

5 William C. Smart, WSBA #8192  
6 Isaac Ruiz, WSBA #35237  
7 Ruiz & Smart LLP  
8 1200 Fifth Avenue, Suite 1220  
9 Seattle, WA 98101  
10 Telephone: (206) 203-9011  
11 [wsmart@ruizandsmart.com](mailto:wsmart@ruizandsmart.com)  
12 [iruiz@ruizandsmart.com](mailto:iruiz@ruizandsmart.com)  
13 *Attorneys for Plaintiffs*

Andrew G. Yates, WSBA #34239  
Matthew A. Stoloff, WSBA #54299  
1420 Fifth Avenue, Suite 4200  
P.O. Box 91302  
Seattle, Washington 98111-9402  
Telephone: (206) 223-7000  
[wackerbarht@lanepowell.com](mailto:wackerbarht@lanepowell.com)  
[yatesa@lanepowell.com](mailto:yatesa@lanepowell.com)  
*Attorneys for Defendant New York  
Life Insurance Company*

14 HOLLAND & HART, LLP

15 By: s/ Melissa K. Reagan  
16 Melissa Reagan (*Pro Hac Vice*)  
17 Holland & Hart, LLP  
18 555 17<sup>th</sup> Street, Unit 2300  
19 Denver, CO 80202  
20 [MKReagan@hollandandhart.com](mailto:MKReagan@hollandandhart.com)  
21 *Attorneys for Defendant illumifin*

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**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury of the laws of the State of Washington that I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to all attorneys of record.

Signed at Seattle, Washington this 9<sup>th</sup> day of August 2024.

/s/ Adam Rosenberg

Adam Rosenberg, WSBA #39256

Keller Rohrback L.L.P.

1201 Third Avenue Suite 3400

Seattle WA 98101

206.623.1900

[arosenberg@kellerrohrback.com](mailto:arosenberg@kellerrohrback.com)

4879-9016-9815, v. 1

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